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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/972,568
Filing Date: October 05, 2001
Appellant(s): FAYETTE, BRAD K.

Brian W. Oaks
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 24, 2007 appealing from the Office action mailed

April 19, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Denny et al., US 5,544,325, issued on Aug. 6, 1996, and filed on Mar. 21, 1994.

Birdwell et al., US 6,032,197, issued on Feb. 29, 2000, and filed on Sep. 25, 1997.

Taylor, US 5,206,822, issued on Apr. 27, 1993, and filed on Nov. 15, 1991.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

<u>Specification</u>

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement.

The test to be applied under the written description portion of 35 U.S.C. § 112, first

paragraph, is whether the disclosure of the application as originally filed reasonably conveys to

the artisan that the inventor had possession at that time of later claimed subject matter. <u>Vas-Cat,</u>

<u>Inc. v. Mahurkar, 935 F. 2d 1555, 1565, 19 USPQ2d 111, 1118 (Fed. Cir. 1991), reh'rg denied</u>

<u>(Fed. Cir. July 8, 1991) and reh'rg, en banc, denied (Fed. Cir. July 29, 1991).</u>

The applicants have failed to provide an enabling disclosure in the detailed description of

the embodiment. The specification is objected to under 35 U.S.C. § 112, first paragraph, as

failing to support the subject matter set forth in these claims, i.e. lack of written description. See

MPEP § 2163.

<u>Claim 1 recites:</u>

A method for processing a header portion of a message, comprising:

establishing a legacy protocol, wherein said legacy protocol defines at least one legacy parameter for a header portion of a message, and wherein said legacy protocol defines a fixed legacy header length;

receiving an inbound message having a header portion;

allocating a memory portion from the computer memory, said memory portion having a depth corresponding to said fixed legacy header length;

pushing said header portion of said inbound message onto said memory portion thereby forming a received header, wherein the header portion is pushed onto said memory portion such that said header portion is truncated to form the received header when a length of said header portion is greater than said depth of said memory portion corresponding to said fixed legacy header length *and <u>wherein said header portion is not truncated</u> <u>when a length of said header portion is not greater than said depth of said memory portion</u>*, such truncation causing any header parameters associated with an upgraded protocol to be removed from said header portion; and;

processing said received header according to said legacy protocol.

The specification merely describes the process of communicating among heterogeneous systems (see Abstract, page 2 [0004] to page 3 [0007]).

The originally filed specification fails to teach, disclose or suggest the process "wherein said header portion is not truncated when a length of said header portion is not greater than said depth of said memory portion". Stated another way, there is no support for the amendatory claimed limitation in the originally filed specification.

In fact, the disclosure indicates the process wherein when the inbound data does not completely fill the memory, the memory is padded with default padding values (See fig. 5 step 502 and step 503).

Hence, the above claimed limitations presents the subject matter situations and was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention and/or claimed limitation.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-5, 11-17, 20-22 are rejected under 35 U.S.C. 112, first paragraph, for the same

reasons as set forth in specification above, i.e. for lack of written description.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, 5, 11-14, 15, 16, 20-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Denny et al. (hereinafter Denny, US 5,544,325) in view of Birdwell et al.

(U.S. Patent No. 6,032,197).

As per claim 11, Denny discloses a stateless protocol method comprising:

establish a legacy protocol, wherein said legacy protocol defines at least one legacy

parameter for a header portion of a message (read as fragment field or any other field associated

with the header), and wherein said legacy protocol defines a fixed legacy header length (fig. 3

and fig. 4: indicates the communication between the sender and receiver utilizing the

communication protocol);

receiving and inbound message having a header portion (fig. 4 item #62);

allocating a memory portion from the computer memory, said memory portion having a

depth corresponding to said fixed legacy header length (col. 2 L25-60, col. 3 L15-23, fig. 4 step

#70);

pushing said header portion of said inbound message onto said memory portion thereby

forming a received header (fig. 4 item #72, 74), wherein said pushing said header portion

comprises retaining the unrecognized fields associated with the header portion (i.e. parameters

associated with the upgraded protocol system, fig. 4 item #76, 80);

dynamically allocating the memory space or stack if a length of said header portion is

greater than said depth of said memory space corresponding to fixed legacy header length (fig. 4

item #70) and wherein said header portion is not truncated when a length of said header portion

is not greater than said depth of said memory portion (fig. 3 item #54, 57, fig. 4);

interpreting said received header according to said legacy protocol (fig. 4 and col. 7 L6 to

col. 8 L45);

constructing a legacy header according to said legacy protocol (fig. 3 item #52; fig. 4

item #82);

appending said legacy header to outbound data thereby creating an outbound message

(fig. 3 item #52; fig. 4 item #82); and

sending said outbound message (fig. 3 item #61; fig. 4 item #82, 84, 88).

However, Denny does not disclose the process of wherein said header portion is truncated

to form the received header if a length of said header portion is greater than said depth of said

memory portion corresponding to said fixed legacy header length, such truncation causing any

header parameters associated with an upgraded protocol to be removed from said header portion.

Birdwell, from the same field of endeavor discloses the process of truncating and/or

compressing the header portion of a packet to form a received header such truncation causing

any header parameters associated with the protocol to be removed from header portion (col. 2

L48-60, col. 5 L20-41, col. 7 L33-36).

Therefore it would have been obvious to one of ordinary skilled in the art at the time the

invention was made to modify Denny in view of Birdwell in order to compress or truncate the

extra or upgraded parameters associated with the upgraded protocol, such truncation causing any

extra parameters to be removed from the header portion.

One of ordinary skilled in the art would have been motivated because it would have

ensured compatibility, i.e. interoperability, of transaction processing for all computer systems

having same or different version of the communication protocol (Denny, col. 1 L44 to col. 2 L2;

Birdwell: col. 1 L25-40: improves transmission efficiency).

As per claim 12, Denny discloses the process as in claim 11 further comprising

establishing said upgraded protocol, wherein said upgraded protocol includes said at least one

legacy parameter of said legacy protocol, wherein said upgraded protocol defines at least one

upgraded header parameter, and wherein said upgraded protocol defines a fixed upgraded header

length (fig. 2 and col. 5 L19 to col. 6 L45); wherein said memory portion has depth

corresponding to said upgraded header length (fig. 4), wherein said received header of said

inbound message is interpreted according to said upgraded protocol if at least one upgraded

header parameter is pushed on the memory stack (fig. 4); wherein said received header of

inbound message is interpreted according to said legacy protocol if no upgraded header

parameters are pushed on the memory stack; constructing an upgraded header according to said

upgraded protocol; and appending said upgraded header to outbound data (fig. 4).

As per claim 13, Denny discloses the process further comprising pushing legacy

parameters onto said portion before said upgraded parameter is pushed onto said memory portion

(fig. 4 item 72 and item #80).

As per claim 14, Denny discloses the process further comprising receiving inbound

message from an upper layer application having a header portion in an upper layer format and

sending said outbound message to a lower layer application (fig. 3 and fig. 4).

As per claim 4, Denny discloses the process wherein legacy parameter comprises a value-

type pair (col. 5 L25 to col. 6 L38 and fig. 2).

As per claim 5, Denny discloses the process wherein said inbound message includes data

portion and wherein said header portion is pushed onto said memory after said data portion (fig.

4).

As per claims 1, 2, 15, 16, 20-22, they do not teach or further define over the limitations

in claims 11-14, 4, and 5. Therefore claims 1, 2, 15, 1, 20-22 are rejected for the same reasons as

set forth in claims 11-14, 4 and 5.

Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denny et al. (hereinafter Denny, US 5,544,325) in view of Birdwell et al. (U.S. Patent No. 6,032,197) and further in view of Taylor (U.S. Patent No. 5,206,822).

As per claim 3, Denny in view of Birdwell does not disclose the process of padding said memory portion with default padding values when said header portion of said inbound message does not fill said memory portion.

Taylor explicitly discloses method and apparatus for optimized processing of sparse matrices. Taylor further teaches a storage scheme where the memory is padded with zeros (read as default padding) (col. 3 L34-55).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Denny in view of Birdwell and further in view of Taylor in order to pad the memory with default values.

One of ordinary skilled in the art would have been motivated so that an efficient storage scheme is achieved and where there is structured data access (Taylor, col. 6 L49-58).

As per claim 17, it does not teach or further define over the limitations in claim 3. Therefore claim 17 is rejected for the same reasons as set forth in claim 3.

(10) Response to Argument

The Examiner summarizes various arguments raised by the appellant and responds to

each of them individually.

In an appeal brief, appellant argues in substance that:

a.   The Examiner's rejection of claims 1-5, 11-17 and 20-22 under section 112, is

Improper (Brief, pg. 14 [I]).

In response to argument [a], Examiner respectfully disagrees.

35 U.S.C. 112, first paragraph states:

"The specification shall contain a written description of the invention, and of the manner
and process of making and using it, in such full, clear, concise, and exact terms as to enable any
person skilled in the art to which it pertains, or with which it is most nearly connected, to make
and use the same and shall set forth the best mode contemplated by the inventor of carrying out
his invention."

Independent claim 1 recites:

A method for processing a header portion of a message, comprising:
establishing a legacy protocol, wherein said legacy protocol defines at least one legacy parameter for a
header portion of a message, and wherein said legacy protocol defines a fixed legacy header length;
receiving an inbound message having a header portion;
allocating a memory portion from the computer memory, said memory portion having a depth
corresponding to said fixed legacy header length;
pushing said header portion of said inbound message onto said memory portion thereby forming a
received header, wherein the header portion is pushed onto said memory portion such that said header portion is
truncated to form the received header when a length of said header portion is greater than said depth of said
memory portion corresponding to said fixed legacy header length and wherein said header portion is not truncated
when a length of said header portion is not greater than said depth of said memory portion, such truncation causing
any header parameters associated with an upgraded protocol to be removed from said header portion; and;
processing said received header according to said legacy protocol.

Before the inclusion of "the header portion is not truncated when the length of the header

portion is not greater than the depth of the memory portion" into the claims, the scope of the

claims and/or the specification required only truncation when the length of the header portion is

not greater than the depth of the memory portion, as disclosed in specification [0026-0031]).

After the inclusion of "the header portion is not truncated when the length of the header

portion is not greater than the depth of the memory portion" into the claims, the scope of the

claims requires no truncation at all if the length of the header portion is not greater than the depth

of the memory portion, which appellant has failed to set forth and/or disclose in the specification.

In other words, the specification fails to support and/or contain a written description of

"the header is not truncated if the length of the header portion is not greater than the depth of the

memory portion" in full, clear, concise and exact terms as to enable any person skilled in the art

to which it pertains, or to which it is most nearly connected, to make and use the same.

Based on the 35 U.S.C. 112, first paragraph statute, the rejection is clearly proper.

Furthermore, there are several other possibilities/actions that may have been considered

when the length of the header portion is not greater than the depth of the memory portion.

For example:

It's within the level of one of ordinary skilled in the relevant art to still truncate the

header portion in order to remove any unwanted or unnecessary parameters associated with the

header portion. For example: See Birdwell, column 1 lines 25-57.

At least for this reason, the limitation and/or subject matter also cannot be considered

inherent.

Appellant further alleges that the present application supports the claim language

regarding the truncation of the header in figure 4 and the associated description (e.g. paragraphs

26-31). As an example, appellant believes that it is clear from this description that the header is

truncated if it is larger than the allocated memory space for the legacy protocol header (e.g.

paragraph 30). Also, appellant submits that is easily understood from this description that the

header would not be truncated if its fits within the allocated memory space...(Brief, pg. 14).

In response to appellant's submission above, Examiner admits that this cited portion of

the specification clearly suggests "truncating the header portion when the length of the header

portion is greater than the depth of the memory portion", But, this cited portion of the

specification in association with figure 4 does not, in and of itself, imply and/or suggest the

process of "not truncating the header portion" as in the claims. There is simply no indication,

disclosure and/or suggestion whatsoever of such a limitation in the specification.

For the at least these reasons, it is believed that the rejection of claims under 35 U.S.C.

112, first paragraph for lack of written description, is proper.

b.   Neither Denny or Birdwell discloses "wherein said legacy protocol defines a fixed

header length" (Brief, pg. 15-17 [II]).

In response to argument [b], Examiner respectfully disagrees.

<u>Claim 1 recites:</u>

A method for processing a <u>header portion</u> of a message, comprising:
establishing a legacy protocol, wherein <u>said legacy protocol defines at least one legacy parameter</u> for a header portion of a message, and wherein said legacy protocol defines a <u>fixed legacy header length</u>;
receiving an inbound message having a header portion;
allocating a memory portion from the computer memory, said memory portion having a depth corresponding to said fixed legacy header length;
pushing said header portion of said inbound message onto said memory portion thereby forming a received header, wherein the header portion is pushed onto said memory portion such that said header portion is truncated to form the received header when a length of said header portion is greater than said depth of said memory portion corresponding to said fixed legacy header length and <u>wherein said header portion is not truncated when a length of said header portion is not greater than said depth of said memory portion,</u> such truncation causing any header parameters associated with an upgraded protocol to be removed from said header portion; and; processing said received header according to said legacy protocol.

Appellant's specification discloses:

"[0019] The legacy protocol can comprise one or more groups of parameters which when taken together comprise a fixed length header. Each parameter comprises a...represented...and when provided in combination can be used to define a fixed length header according to one embodiment..." (Emphasis added).

Initially, the appellant's specification is evidenced to define the fixed length header and/or fixed header length to comprise one or more groups of parameters (specification, pg. 7 [0019]).

Please note: the specification does not suggest using the fixed number of parameters for defining the fixed header length.

The claim suggests a header portion comprising at least one legacy parameter and wherein the legacy protocol defines a fixed legacy header length.

In other words, a fixed legacy header length can be equivalent to a length of a header portion comprising at least one legacy parameter and/or fixed length header can comprise one or more group of parameters in light of appellant's specification.

Denny explicitly discloses a legacy protocol, which defines a fixed legacy header length and/or fixed length header.
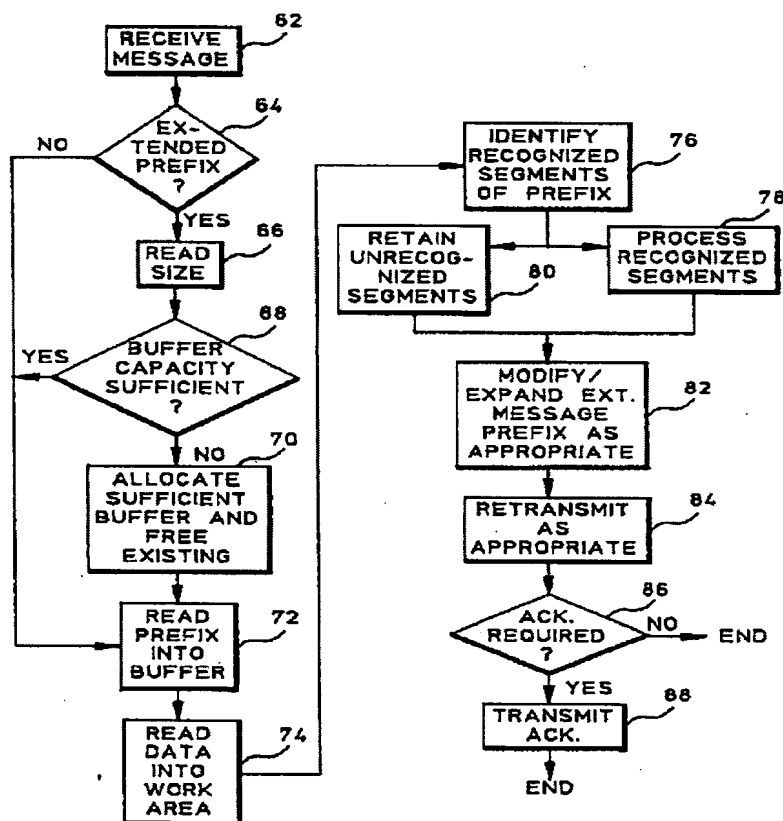
For example:

At column 5, lines 27-32, in association with figure 2 reproduced herein, Denny clearly indicates a fixed prefix, i.e. a fixed header of a data message comprising at least one parameter (fig. 2 item #42), and the combination and/or group of parameters such as 48a-48d defining the fixed prefix and/or fixed header length of the header portion.

FIG. 2
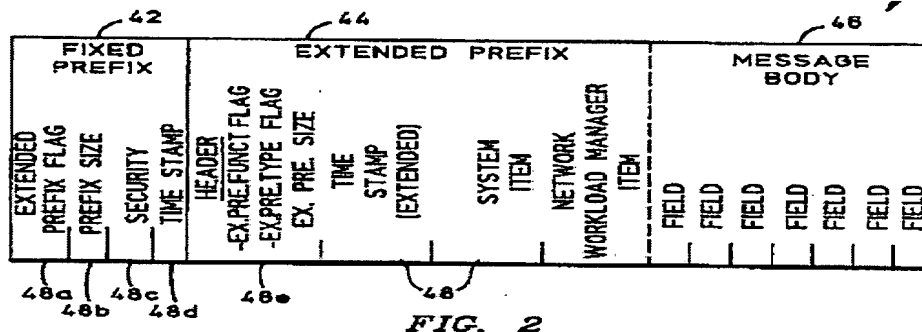
In addition, Denny also teaches that the **extended prefix may not always be present and/or may not always be associated with the data message** (See col. 7 L35-43), in which case the fixed length header will be the fixed length prefix.

The fact that the extended prefix **may not always be present** is further evidenced in figure 4 reproduced herein, through steps 62, 64, and step 72.

FIG. 4

For example: after receiving the message, step 64 determines whether the extended prefix is present or not, and the NO branch indicates that the message does not contain the extended prefix, in which case the FIXED PREFIX is the fixed length header.

On page 17 of the Brief, Appellant alleges that "In response to arguments section of final office action, the Examiner...however, this is only a portion of the prefix and the total length of the prefix ...is variable since the length of the extended portion is variable...allocation of buffer space for the prefix is for the entire prefix, and not just for the fixed portion. Therefore, it is the entire prefix that is relevant to this analysis".

In response to appellant's submission above, it should be noted that the combination of the fixed prefix and the extended prefix, wherein the fixed and extended prefix comprises group of one or more parameters, can be interpreted as a fixed length header because the appellant's specification defines the fixed length header to comprise one or more group of parameters (specification, pg. 7 [0019]).

Denny further teaches receiving message comprising the header portion including the prefix and the extended prefix, wherein prefix and extended prefix comprise group of one or more parameters, resulting in a fixed legacy length header of appellant (See fig. 4 item #70).

As such, Denny does disclose a legacy protocol that defines the fixed legacy header length, whether interpreted in light of appellant's specification (pg. 7 [0019]: i.e. definition of the fixed header length), OR, interpreted in light of its plain meaning.

b. (i)   Furthermore, in the response to argument section of the final office

action…However, the background section is referring to the PRIOR ART and its

associated problems which (Denny is attempting to solve). Specifically, Denny

discloses that the prior art uses input message buffer capacities of particular

systems that are not the same as the output buffer capacity of other systems. Thus,

"a message having a prefix that is of fixed specified length…will in many cases to

incompatible for processing" by some systems. Column 1, lines 47-53. Denny

addresses this incompatibility by not requiring a fixed prefix length. E.g. see

column 2, lines 31-36 and 51-54. Thus, although this background does describe a

protocol using fixed prefix lengths, this is not a protocol that is used in the

invention of Denny (Brief, pg. 17, second paragraph).

First, appellant admits that the Background section of Denny does disclose

fixed length header and its prior art (See Brief, pg. 17).

In other words, Appellant does admit that a legacy protocol with a fixed

header length is PRIOR ART and/or was well known.

Secondly, Appellant is misinterpreting Denny by alleging "Denny

addresses this incompatibility by not requiring a fixed prefix length".

The fact that appellant is misinterpreting Denny is evidenced by figure 4

as disclosed in Denny, which is reproduced above.

For example: after receiving the message, step 64 determines whether the

extended prefix is present or not, and the NO branch indicates that the message

does not contain the extended prefix, in which case the FIXED PREFIX is the

fixed length header.

c.   In addition, neither Denny or Birdwell disclose "allocating a memory portion

from the computer memory, said memory portion having depth <u>corresponding</u> to said

fixed legacy header length (Brief, pg. 17, third paragraph).

In response to argument [c], Examiner respectfully disagrees.

Denny expressly discloses allocating a memory portion from the computer memory,

obviously it has to be from the computer that receives the message, having a depth corresponding

to the said fixed legacy header length.

<u>For example:</u>

At column 2, lines 47-60, Denny discloses "additionally, the message receiving means

includes a means for determining the size of the prefix, i.e. header, and the message receiving

means establishes the capacity of the input data buffer to be at least equal to the size of the

prefix".

In other words, the receiving means allocates memory portion from the computer

memory having the depth at least equal to the size of the prefix, i.e. having a depth

corresponding to fixed legacy header length or size.

Furthermore, Denny discloses the process of reading fixed prefix into the buffer memory

(e.g. fig. 4 item #64 and 72). Logically, in order for the computer to process the incoming request

message of fig. 4, the computer must have allocated the portion of the memory having depth

corresponding to fixed legacy header, otherwise, the step #72 in fig. 4 won't be possible and/or achieved.

As such, Denny does disclose allocating memory portion having depth <u>corresponding</u> to the fixed length header.

Furthermore, as set forth above, the fixed prefix and the extended prefix, which comprises one or more group of parameters, can be interpreted as a fixed length header of appellant simply because the appellant's specification defines the fixed length header to comprise one or more group of parameters (specification, pg. 7 [0019]).

Denny further teaches receiving message comprising the header portion including the prefix and the extended prefix, wherein prefix and extended prefix comprise group of one or more parameters, <u>resulting in a fixed legacy length header</u> of the appellant <u>and allocating</u> <u>sufficient memory space</u> for the combination of prefix and extended header portion, i.e. allocating the memory space from the computer memory, said memory portion having depth <u>corresponding</u> to said fixed legacy header length, See figure 4 step #70.

c. (ii)   In the response to arguments section of the final office action…the

Examiner…if so, appellant respectfully submits that this is an incorrect

interpretation of the quoted claim language, both based on its plain meaning and

based on the broadest reasonable interpretation of the claim in light of the

specification (Brief, pg. 18, first paragraph).

In response to argument [c.ii], appellant failed to present any arguments as

to why this interpretation is incorrect.

On the other hand, Appellant specification discloses:

"[0028] Since the sending machine and receiving machine share a

common legacy version of the stateless protocol, the receiving machine expects a

message and a header of a known length and can allocate a memory 206 of a

corresponding depth for receiving the message or specifically for the header…".

"[0030]…Since the memory has been allocated only sufficient storage

space according to legacy protocol…"

As such, the interpretation as in the rejection is proper based on both the

broadest reasonable interpretation of the claim in light of the specification and

based on its plain meaning.

It should also be noted that the claim does not disclose allocating the

memory size, wherein the memory size "matches" the length of the message and

header received. Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van

Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

d.   There is not a motivation to combine Denny and Birdwell (Brief, pg. 18, second

paragraph).

In response to argument [d], Examiner respectfully disagrees.

Appellant argues that since Denny discloses dynamically allocating a memory portion to

accommodate a variable length header, there is simply not a motivation to combine a teaching

from any reference that discloses truncating a message that is greater than a memory depth with

the teachings of Denny.

In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992).

Presently disclosed and/or claimed invention solves the incompatibility problems, i.e.

interoperability, faced by the communication networks. That is, in an event where different

systems may be running different versions of the software (See applicant specification, page 2

[0004] to page 3 [0006]), the invention enables the receiving system to interpret and/or process

the message accordingly, such as by truncating the header.

Denny, from the similar problem solving area ensures compatibility, i.e. interoperability,

of transaction processing for all computer systems (col. 1 L60 to col. 2 L24, col. 2 L26 to col. 3

L67).

However, Denny's approach in solving the problem is based on allocating sufficient

memory in response to comparison of the fixed header length with the buffer capacity (see fig. 3

and fig. 4).

Birdwell discloses the process of truncating the header portion and/or the process of

stripping away the parameters and/or carrier headers that are not needed (col. 2 L48-60, col. 5

L20-41, col. 7 L33-37).

The question then becomes, given these teachings, i.e. Denny and Birdwell, Can one of

ordinary skilled in the art be able and/or motivated to modify Denny in view of Birdwell in order

to arrive at the claimed invention of the present application?

The answer is that it would have been obvious to a person of ordinary skilled in art at the

time the invention was made to modify Denny in view of Birdwell because truncation and/or

compression would have utilized the computer memory more efficiently, reduced costs

associated with the memory and further would have improved the transmission efficiency (See

Birdwell: col. 1 L25-57), and more importantly, it would have ensured compatibility between

different systems running different versions of protocols.

Therefore, the motivation fully exists for modifying Denny in view of any other reference

that discloses truncation, in this case, Birdwell, in order to remove the un-necessary or unwanted

parameters associated with the message in interpreting the message in correspondence with the

receiving system's configuration.

In this case, the motivation is that it would have ensured compatibility between different

computing systems, utilized computer memory efficiently and improved transmission efficiency

(See Denny: col. 1 L44 to col. 2 L2; Birdwell: col. 1 L25-57).

The fact that Denny takes an approach of allocating more memory, in solving the

compatibility problem, does not necessarily imply, in and of itself, the non-existence of the

motivation as the appellant alleges. The approach of truncating can be an obvious modification

to Denny, as the process of truncation is well known and/or obvious in the art, as evidenced by

Birdwell.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kamal Divecha/

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October 18, 2007.

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